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November 3, 2017

VIA ECF FILING

Honorable John Michael Vazquez, U.S.D.J.
United States District Court
District of New Jersey
50 Walnut Street
Newark, New Jersey 07102

Re: Democratic National Committee, *et al.* v. Republican National Committee, *et al.*
Docket No.: 81-3876

Dear Judge Vazquez:

I write in opposition to the RNC's request for termination of this enforcement action and to request that the Court hold an evidentiary hearing and then issue a decision on the merits of this action.

As set forth at length in previous filings, the DNC, despite being able to conduct only limited discovery in this case,¹ has submitted evidence of the following (among other things):

- The Trump campaign actively encouraged its supporters to engage in ballot-security efforts. *E.g.*, Dkt. 95-1 at 5-11.²
- Then-Governor Mike Pence, in response to a question about how the Trump-Pence campaign was "going to ... prevent" Hillary Clinton from "steal[ing] this election," asserted that "the Trump campaign and the Republican National Committee are working very very closely with state governments and secretaries of state all over the country to ensure ballot integrity." *Id.* at 11.
- Donald Trump's campaign manager Kellyanne Conway asserted that the Trump campaign was "actively working with the national committee, the official party, and campaign lawyers to monitor precincts around the country." *Id.* at 12.
- Then-RNC Chair Reince Priebus "stated that he was aware of the Trump campaign's position on voter fraud," PI Op. ("Op."), Dkt. 138 at 27 n.4, strongly suggesting that he and Trump

¹ As set forth in prior filings, the DNC believes that broader discovery in this matter was appropriate, and it reserves its rights with respect to its arguments as to the scope of discovery.

² Where a filed document's internal page numbering does not correspond with ECF page numbering, the DNC has cited the document's internal page numbers.



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had discussed the topic and raising the possibility that Priebus advised Trump about ballot security.

- The Election Day Operations Chair and General Counsel for the Republican Party of Virginia said, on a poll watcher training call, that “the folks RNC has hired on ... to help them with ...,” and then stopped and said, “I’m sorry. (nervous laughter) The RNC is not doing anything related to Election Day operations.” Dkt. 127 at 4.
- The Chair of the Pennsylvania Republican Party and the then-Chair of the Michigan Republican Party—both RNC members—made clear prior to the election that they intended to organize ballot security efforts, *see, e.g.*, Dkt. 95-1 at 13-14, and evidence disclosed in discovery indicates that the RNC was coordinating poll watching efforts in Pennsylvania with the Republican Party of Pennsylvania, Dkt. 176-1, 176-2, and 176-3.
- There is “credible evidence that the RNC [wa]s engaging in poll observations in Nevada,” and “it appears that subterfuge was involved.” *See* PI Op., Dkt. 138 at 32; Dkt. 127 at 2-3.
- The RNC asserted during this litigation that it does not engage in poll watching activities, even to the extent that such activities are permitted under the consent decree. *E.g.*, Dkt. 110 at 9-10, 12 (pages 15-16, 18 of 33).

The DNC has not yet had the opportunity to examine any witnesses from the RNC; Michigan, Pennsylvania, or Virginia Republican Parties; Stampede Consulting; or the Trump campaign. It respectfully requests the opportunity to examine such witnesses, and to provide other relevant evidence, at an evidentiary hearing before the Court.

Thank you for your consideration of this request.

Respectfully submitted,

GENOVA BURNS LLC

AJG/rma

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